

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROBERT BERGEN,  
Plaintiff,

v.

JOSEPH LEHMAN,  
Defendant.

Case No. C05-5008RBL  
ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Plaintiff has filed a motion to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983.

On June 27, 2005, this court ordered plaintiff to serve his complaint on defendant by no later than July 27, 2005, and provide the court with a joint status report by August 27, 2005. (Dkt. #14). On June 28, 2005, a clerical error resulted in a judgment order being issued. (Dkt. #13). That order subsequently was rescinded and the case re-opened on June 30, 2005.

Service of the complaint and filing of the joint status report is now long overdue. Accordingly, the court will recommend dismissal of this matter without prejudice for failure to prosecute, if plaintiff does not serve the complaint on defendant and file the joint status report required by the court in its previous order **by no later than November 1, 2005.**

1 The clerk is directed to send a copy of this order to plaintiff.

2 DATED this 28th day of September, 2005.

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6 Karen L. Strombom  
7 United States Magistrate Judge  
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